

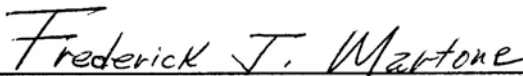


1 undisputed that the present habeas petition is untimely under the one-year statute of  
2 limitations set forth in the Antiterrorism and Effective Death Penalty Act ("AEDPA"), 28  
3 U.S.C. § 2244(d)(1). Petitioner argues that equitable tolling applies to his otherwise untimely  
4 claims because he was not informed of AEDPA's time limitations.

5 We agree with the Magistrate Judge that petitioner has not demonstrated either  
6 diligent pursuit of his rights or extraordinary circumstances preventing him from filing a  
7 timely petition. See Pace v. DiGuglielmo, 544 U.S. 408, 418, 125 S. Ct. 1807, 1814 (2005).  
8 Neither a petitioner's *pro se* status, nor his ignorance of the law, constitutes an extraordinary  
9 circumstance warranting equitable tolling. Rasberry v. Garcia, 448 F.3d 1150, 1154 (9th Cir.  
10 2006). Therefore, we accept the Magistrate Judge's conclusion that petitioner's petition for  
11 writ of habeas corpus is untimely and that he has failed to demonstrate entitlement to  
12 equitable tolling.

13 **IT IS ORDERED DENYING** the petition for writ of habeas corpus (doc. 1).

14 DATED this 15<sup>h</sup> day of May, 2009.

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 Frederick J. Martone  
19 United States District Judge  
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